



A MONTHLY ELECTRONIC NEWSLETTER TO THE 61st ASSEMBLY DISTRICT
(Including Chino, Montclair, Ontario and Pomona)

APRIL 2004 ISSUE

Dear Friend,

It's been a long haul, but the legislature finally has approved major reforms to the ailing Worker's Compensation Program.

The newest legislation represents the most sweeping overhaul since the Worker's Compensation system was implemented. Needless to say, the job wasn't easy: it entailed a delicate balancing act to protect the rights and needs of employees and employers alike. I believe the final package is something that will be of benefit to all.

The legislation approved April 16 will help reduce the skyrocketing cost of Worker's Compensation to employers while providing additional benefits to workers who are injured on the job. Provisions of the reform package include:

1) the establishment of a system of an objective, independent medical review, based on American Medical Association guidelines, for determining the level of a disability. This is a major improvement; under the old system, employees with similar injuries could receive vastly different disability payments.

2) limits on most temporary disability payments to 104 weeks within a period of two years from the start of disability payments. This would not apply for specific conditions (such as amputation, severe burns, HIV, acute and chronic hepatitis B and C, chronic lung disease, to name a few) for which the temporary disability benefits would be capped at 240 weeks with a period of five years.

3) a requirement that doctors preparing a report for permanent disability address the issue of apportionment. For a finding of permanent disability, the doctor must determine the approximate percent of disability was caused by the work-related injury in question and what portion may have been caused by other factors, including prior workplace injuries. Employees claiming injury must disclose all previous permanent disabilities or physical impairments.

4) a measure that allows eligible employers of as many as 50 employees to apply for reimbursement for workplace modifications needed to return injured workers to the job.

5) a mandate that both parties, employee and employer, be considered equal before the law and that all findings of fact be interpreted in an impartial and balanced manner.

The new legislation also calls for a study of the insurance market and the effect that the 2003 and 2004 reforms have on worker's comp insurance premium rates. This will provide a mechanism for any further changes needed for issues that may unexpectedly come about as a result of the reforms.

There are also provisions that expand protections for those who are hurt on the job.

For the first time, injured employees will have access to immediate medical care. Prior to reform, employers were not required to pay for such care for 90 days or until a claim was approved. This provision also is expected to reduce the number of lawsuits brought against companies by employees who grow frustrated over what they perceive as a lack of caring on the part of their employers.

Employers will be allowed to create a "pool" of doctors for their injured workers to see, which would help to prevent "doctor shopping," that is, for an injured employee to shop for a doctor who will provide a diagnosis that favors the employee over the employer. However, there are provisions for employees to switch to a doctor of their own choice if they become unhappy with the treatment that they are receiving.

Businesses will no longer have a financial incentive for delaying treatment, and there are new incentives to get workers healthy and back on the job as quickly as possible.

Perhaps most importantly, the reform protects the increased compensation that was promised to workers with permanent disabilities and includes higher payments for the most severely disabled.

The goal of worker's compensation has always been to provide needed medical care for those hurt on the job, get them healthy, and then get them back to work as quickly as possible. The worker's compensation package we approved does a much better job of meeting that goal than current law.

But while the overhaul of the Worker's Compensation program is a major victory for Californians, more work is needed.

There is nothing in the current bill that guarantees insurance companies will actually pass along the savings to employers. Therefore a companion bill is being proposed that will give the state's Insurance Commissioner the temporary authority to make sure those savings actually filter down.

The need for such a measure is evident. Last year the legislature passed Worker's Compensation reforms that resulted in a savings of more than \$7 billion in Worker's Compensation costs. However, those savings never made their way down to the businesses and non-profits the legislation was intended to help.

The latest round of reforms should prove a welcome relief to local employers and employees alike. While there is admittedly still work to be done, the legislature's actions in reforming Worker's Compensation will make it much easier to do business in California and make living and working in California and our own Inland Valley even better.

\$\$\$\$\$\$\$\$\$\$\$\$\$ FOUND MONEY \$\$\$\$\$\$\$\$\$\$\$\$\$\$

Local residents claimed more than \$40,000 in found or forgotten money at our highly successful Unclaimed Property Forum held in my District Office March 27th.

About 100 residents from Pomona, Chino, Ontario and Montclair showed up to see if they had any money held by the State Controller's office. Each day the state receives thousands of dollars worth of unclaimed money and property from dormant accounts from banks, insurance companies and the like.

You can do your own database search by logging into the Controllers website at www.sco.ca.gov. At the top of the page are three columns; the first two are tagged "California Citizens" and "California Businesses." Both categories have an "unclaimed property" link. You can search for your own name and, if an heir, for your loved ones.

If you need assistance filling out your claim, please call my district office at (909) 621-2783.

Good hunting and good luck!

KIDPRINT

More than 100 children, moms and dads participated in our most recent Kidprint event held on the front lawn of Chino City Hall April 3. Local law enforcement, fire fighters and the Neighborhood Activities Center were in attendance as well.

The California Highway Patrol had a booth with fun giveaways, and they brought along a CHP cruiser for the children to explore. Chino Firefighters let the kids climb aboard their fire truck, and the Neighborhood Activities Center had a booth with a variety of crafts to make. As usual, my staff had a table with coloring books, pamphlets and other items related to state services. And, of course, the children each had their fingerprints taken by the Chino Police Department.

Our next Kidprint will be held in Ontario. Date TBD.

AB 1467 SIGNED

I am happy to announce passage of my bill, AB 1467, which will make it possible for qualified graduates of foreign dental schools to become eligible for the California dental licensure exam.

Foreign-trained dentists make up the majority of dentists in many under-served areas in California and provide much of the services to low-income populations with limited English speaking capacities. However, there still remains a critical need to provide services for these populations. This bill will allow more foreign trained dentists to practice in California, thus supplementing much needed services to an ever-increasing population.

Assemblymember Negrete McLeod's Committee Assignments

Chair, Public Employees, Retirement and Social Security Committee
Co-Chair, Legislative Ethics Committee
Appropriations Committee
Governmental Organization Committee
Health Committee
Higher Education Committee
Business and Professions Committee
Banking and Finance Committee

Chair, Select Committee on Alameda Corridor East
Select Committee on CA Horse Racing Association
Select Committee on Community Colleges
Select Committee on Future of Farming in CA
Select Committee on Gang Violence and Juvenile Crimes
Select Committee on Groundwater Quality and Availability
Select Committee on Rural Economic Development
Select Committee on Water Management, Storage, Conservation and Supply

District Office:

4959 Palo Verde Street, Suite 100B
Montclair, CA 91763
Phones: (909) 621-2783
Fax: (909) 621-7483

Capitol Office:

State Capitol
P.O. Box 942849
Sacramento, CA 94249
Phone: (916) 319-2061
Fax: (916) 319-2161

E-mail: assemblymember.mcleod@assembly.ca.gov

Or visit my website at www.assembly.ca.gov

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